

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALEXANDRA MADELYN PAGE,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security¹,

Defendant.

) Case No.: 1:22-cv-0965 JLT CDB

) ORDER ADOPTING THE FINDINGS AND
) RECOMMENDATIONS, GRANTING
) PLAINTIFF'S MOTION FOR SUMMARY
) JUDGMENT, DENYING DEFENDANT'S
) REQUEST TO AFFIRM THE ADMINISTRATIVE
) DECISION, AND REMANDING TO THE CASE
) FOR FURTHER PROCEEDINGS

) (Docs. 21, 24, and 28)

) ORDER DIRECTING ENTRY OF JUDGMENT IN
) FAVOR OF PLAINTIFF AND AGAINST
) DEFENDANT

Alexandra Madelyn Page seeks judicial review of a final decision denying her application for child's insurance benefits under the Social Security Act. Plaintiff asserts the ALJ erred in evaluating the record—including her subjective complaints and assessing her residual functional capacity— and the matter should be remanded. (Doc. 21.) The magistrate judge found the ALJ properly addressed Plaintiff's subjective complaints. (Doc. 28 at 11-17.) However, the magistrate judge determined the residual functional capacity was not supported by substantial evidence, because the ALJ did not

¹ The Court substituted Martin O'Malley, who was appointed the Commissioner of Social Security, as the defendant in this suit. See Fed. R. Civ. P. 25(d).

1 adequately analyze Plaintiff's accommodations and erroneously discounted medical records. (*Id.* at
2 17-24.) The magistrate judge recommended Plaintiff's motion for summary judgment be granted and
3 the administrative decision be vacated. (*Id.* at 24.) The magistrate judge also recommended the matter
4 be remanded for further proceedings, and judgment be entered in favor of Plaintiff and against
5 Defendant. (*Id.*)

6 The Court served the Findings and Recommendations on all parties and notified them that any
7 objections were due within 14 days. (Doc. 28 at 14.) The Court advised the parties the "failure to file
8 objections within the specified time may result in waiver of that party's rights on appeal." (*Id.*, citing
9 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Neither Plaintiff nor the Commissioner
10 filed objections, and the time to do so has passed.

11 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case.
12 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
13 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 14 1. The Findings and Recommendations dated January 30, 2024 (Doc. 28) are **ADOPTED**.
- 15 2. Plaintiff's motion for summary judgment (Doc. 21) is **GRANTED**.
- 16 3. The Commissioner's request to affirm the decision (Doc. 24) is **DENIED**.
- 17 4. The decision of the administrative law judge is **VACATED**.
- 18 5. The matter is **REMANDED** for further proceedings pursuant to sentence four of 42
19 U.S.C. § 405(g).
- 20 6. The Clerk of Court **SHALL** enter judgment in favor of Plaintiff Alexandra Madelyn
21 Page and against Defendant Martin O'Malley, Commissioner of Social Security.

22
23 IT IS SO ORDERED.

24 Dated: **February 16, 2024**


UNITED STATES DISTRICT JUDGE